

By: Guillen

H.B. No. 3272

A BILL TO BE ENTITLED

AN ACT

relating to the identification of breeder deer.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 43.351(5), Parks and Wildlife Code, is amended to read as follows:

(5) "Primary ["Durable] identification tag" means a single tag described by Section 43.3561 that is used as the primary tag required to identify a breeder deer ~~[not easily dislodged or removed and made of a material that is not likely to disintegrate or decompose]~~. The term includes ~~[, but is not limited to,]~~ newly developed technologies approved for use by the department, including radio frequency identification tags.

SECTION 2. Section 43.3561, Parks and Wildlife Code, is amended to read as follows:

Sec. 43.3561. IDENTIFICATION OF BREEDER DEER. (a) Not later than March 31 of the year following the year in which the breeder deer is born, a breeder deer held in a permitted deer breeding facility must be primarily identified by placing on each breeder deer possessed by the deer breeder a single, reasonably visible, durable identification tag bearing an identification ~~[alphanumeric] number [of not more than four characters assigned by the department to the breeding facility in which the breeder deer was born and]~~ unique to that breeder deer. The primary identification tag must be an ear dangle tag or button tag that uses

1 radio frequency identification technology as permitted by 43.3562.

2 (b) The primary identification tag must be designed so that  
3 it is not easily dislodged or removed and made of a durable material  
4 that is not likely to disintegrate or decompose.

5 (c) A deer breeder is not required to remove the primary  
6 identification tag for any purpose but may remove the tag and  
7 replace the tag immediately to meet the requirements of this  
8 section.

9 (d) [~~(b)~~] A person may not remove or knowingly permit the  
10 removal of a breeder deer held in a facility by a permittee under  
11 this subchapter unless:

12 (1) the breeder deer has been permanently and legibly  
13 tattooed in one ear with the unique identification number assigned  
14 to the breeder in lawful possession of the breeder deer and specific  
15 to the breeding facility in which the breeder deer was born or  
16 initially introduced if from an out-of-state source; or

17 (2) the deer breeder has attached to the deer a button  
18 tag that uses radio frequency identification technology as  
19 permitted by Section 43.3562(d).

20 (e) [~~(c)~~] A person may not knowingly accept or permit the  
21 acceptance of a breeder deer into a facility regulated under this  
22 subchapter unless:

23 (1) the breeder deer has been permanently and legibly  
24 tattooed in one ear with the unique identification number assigned  
25 to the breeder in lawful possession of the breeder deer and specific  
26 to the facility in which the breeder deer was born or initially  
27 introduced if from an out-of-state source; or

1           (2) the deer breeder has attached to the deer a button  
2 tag that uses radio frequency identification technology as  
3 permitted by Section 43.3562(d).

4           SECTION 3. Subchapter L, Chapter 43, Parks and Wildlife  
5 Code, is amended by adding Sections 43.3562 and 43.3581 to read as  
6 follows:

7           Sec. 43.3562. ALTERNATIVE UNIQUE NUMBERING SYSTEMS. (a)  
8 The commission by rule shall adopt electronically readable radio  
9 frequency identification numbering systems that may be used by a  
10 deer breeder to identify breeder deer.

11           (b) The department shall review and approve button tags that  
12 use the radio frequency identification numbering systems adopted  
13 under Subsection (a). The department shall publish on the  
14 department's website a list of the approved identification tags.

15           (c) On request by a deer breeder and to the extent possible,  
16 the department shall assign a four-digit alphanumeric  
17 identification number to uniquely identify a breeder deer for use  
18 on the deer's primary identification tag or tattoo. If the  
19 four-digit identification system becomes impracticable, the  
20 commission by rule shall coordinate the use of electronically  
21 readable radio frequency identification numbers described by  
22 Subsection (d) with the four-digit system to the extent required by  
23 this subchapter.

24           (d) A deer breeder may use a button tag approved by the  
25 department under Subsection (b) as a substitute for an ear tattoo  
26 for identifying a breeder deer. The deer breeder must register the  
27 unique number encoded in the tag with the department.

1       (e) The department's database for breeder deer must allow a  
2 single breeder deer to be uniquely identified by any of the  
3 following identifying numbers or combinations of numbers and  
4 alphabetic characters:

5           (1) a unique alphanumeric identifier assigned by the  
6 department to that deer; or

7           (2) a unique identification number for that deer  
8 registered under Subsection (d).

9       (f) A deer breeder that uses an electronically readable  
10 identification system shall provide an authorized employee of the  
11 department with a working device capable of reading the electronic  
12 numbers as needed for inspection purposes under this subchapter.  
13 The employee shall accept an electronically readable number that is  
14 registered with the department as valid.

15       (g) The commission may adopt rules and procedures to  
16 implement the use of alternative numbering systems under this  
17 section.

18       Sec. 43.3581. PRIMARY IDENTIFICATION TAG EXCEPTION. The  
19 primary identification tag on a breeder deer may be removed before  
20 transporting the deer to a release site provided that the person  
21 transporting the deer has possession of the tag for each deer being  
22 transported and provides the tag to an authorized department  
23 employee on request for inspection purposes.

24       SECTION 4. Section 43.367(a), Parks and Wildlife Code, is  
25 amended to read as follows:

26       (a) Except as provided by Section 43.3581 or Subsection (b),  
27 a person who violates a provision of this subchapter or a regulation

1 of the commission issued under this subchapter or who fails to file  
2 a full and complete report as required by Section 43.359 commits an  
3 offense that is a Class C Parks and Wildlife Code misdemeanor.

4 SECTION 5. (a) Not later than March 1, 2016, the Parks and  
5 Wildlife Commission shall adopt electronically readable  
6 alternative identification numbering systems required by Section  
7 43.3562(a), Parks and Wildlife Code, as added by this Act.

8 (b) Not later than March 1, 2016, the Parks and Wildlife  
9 Department shall approve and publish a list of button tags that use  
10 radio frequency identification technology as required by Section  
11 43.3562(b), Parks and Wildlife Code, as added by this Act.

12 SECTION 6. Section 43.367(a), Parks and Wildlife Code, as  
13 amended by this Act, applies only to an offense committed on or  
14 after the effective date of this Act. An offense committed before  
15 the effective date of this Act is governed by the law in effect on  
16 the date the offense was committed, and the former law is continued  
17 in effect for that purpose. For purposes of this section, an offense  
18 was committed before the effective date of this Act if any element  
19 of the offense occurred before that date.

20 SECTION 7. This Act takes effect September 1, 2015.